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IN THE HIGH COURT OF JUDICATURE FOR RAJASTHAN
AT JODHPUR

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O R D E R

MOHSIN ALI V/s. UNION OF INDIA & ORS.

D.B. CIVIL WRIT PETITION NO. 3362/2003.
under Article 226 and 227 of the Constitution of India.

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Date of Order :: 09.12.2004

:: PRESENT ::

HON'BLE SHRI RAJESH BALIA, J.
HON'BLE SHRI DINESH MAHESHWARI, J.

Mr. Vijay Mehta, for the petitioner.
Mr. Ravi Bhansali, for the respondents.

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BY THE COURT (Per Hon'ble Balia, J.)

Heard learned counsel for the parties.

This petition is directed against the order dated June 6, 2003 of the Central Administrative Tribunal dismissing the original application of the petitioner seeking a mandamus for appointing him on compassionate ground as his father died in harness while in service of the respondents.

The appointment on compassionate ground to the petitioner was declined vide communication dated 22.03.2001 detailing the reasons that there is no

indigency in the case of the petitioner needing immediate relief. For coming to this conclusion it was noticed by the Committee that the widow of the deceased is getting family pension amounting to Rs.2509/- + DR. The terminal benefits to the tune of Rs. 2,51,297/- have been paid to the family of the petitioner and he is in possession of the agricultural land measuring 15 bighas 75 biswa from which annual income of Rs. 5,000/- was estimated. With this background, it was also noticed by the committee that the financial condition of the family of the petitioner does not appear to be indigent requiring immediate relief. It was further opined by the Committee that the family has its own house and there is no heavy liability of marriages of daughters. Thus, taking into account all the factors, the Committee reached its conclusion that the family of the petitioner does not require any immediate relief in view of the existing resources of other income of the family and the future liability, if any, that the deceased was to discharge.

The eligibility criteria under the scheme for compassionate ground as per Annexure-4 spells out that the first eligibility is that the family is indigent and deserves immediate assistance for relief from financial destitution.

In the aforesaid facts and circumstances, the correctness of material relating to financial condition

is not in dispute. The Tribunal found that no interference can be made as neither any case has been made in favour of the petitioner in view of his financial condition nor there is any illegality or arbitrariness in the action of the respondents in rejecting the prayer of the petitioner for compassionate appointment.

In the facts and circumstances noticed above, we are of the opinion that the impugned order dated 23.02.2001 Annexure-3 as has been upheld by the Central Administrative Tribunal vide his Order dated 6.6.2003 Annexure-5 is a well reasoned order and founded on material which has relevant nexus with the inquiry to be made in making such decision, is not liable to be interfered with by this Court also. The petition fails and accordingly is hereby dismissed.

No costs.

(DINESH MAHESHWARI), J. (RAJESH BALIA), J.

mohan/